

City of Northampton

MASSACHUSETTS

In City Council

October 20, 2016

Upon recommendation of the Mayor

O-16.187

An Order

To impose a lien for cross-connection charges and fees that have not been paid by the due date

Whereas, in order to ensure that all potable water throughout the Northampton water supply system is free from any potential outside contamination, by regulation of the Department of Environmental Protection the city is required to have an approved program that surveys all potential cross connection sites and tests all devices. Double check valve devices are tested annually and reduced pressure zone devices are tested semi-annually. All commercial, industrial and agriculture buildings must be resurveyed every ten years for cross connections.

Whereas, the city of Northampton bills landowners for fees and charges associated with the cross-connections program including an initial application/approval fee of \$65 and an annual fee based upon devices owned and tested; and; **and**

Whereas, M.G.L. c. 40, § 58 provides that “Any city or town may impose a lien on real property located within the city or town for any local charge or fee that has not been paid by the due date, said lien shall be known as the "municipal charges lien"; provided, that a separate vote at a town meeting, or by a city or town council is taken for each type of charge or fee.”

Whereas, the city of Northampton cannot presently lien property for unpaid cross-connection charges and fees; and

Whereas, the city desires to include cross-connection charges as a municipal charges lien;

NOW, THEREFORE, BE IT ORDERED:

In accordance with M.G.L. c. 40, § 58, charges and fees for cross-connections shall be included as a municipal charges lien, and the city may impose a lien on real property located within the city for cross-connection charges and fees that have not been paid by the due date.